

UNITED STATES COURT OF APPEALS

NOV 26 1997

TENTH CIRCUIT

PATRICK FISHER
Clerk

GARRY A. ULLAND,

Plaintiff-Appellant,

v.

ST. JOSEPH MEDICAL CENTER, INC.;
DAVE TUCKER; JAMES D.
RATZLAFF; DON S. SEERY;
LEONARD A. KLAFTA; JOE MEYER;
CAROLINE DETBARN-FERGUSON;
COLLEEN TYSER-VOTH; D.
MATTHEW; M. MICHAEL; DERBY
POLICE DEPARTMENT; THOMAS
PRUNIER; FRANCIS KNIPFER;
DERBY POLICE OFFICERS;
SEDGWICK COUNTY MEDICAL
STAFF; DERBY E.M.S.; SEDGWICK
COUNTY CORONER; CORRIE L.
MAY; BILL DIETZ, Medical
Investigator,

Defendants-Appellees.

No. 97-3132
(D.C. No.96-3604-GTV)
(District of Kansas)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **PORFILIO** and **MURPHY**, Circuit Judges.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

We hold the district court did not err in dismissing this action for lack of jurisdiction. We **AFFIRM** for the reasons stated by the district court in its order of April 22, 1997.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge